

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

PETER A. LAGORIO, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

GERMBLOC, INC and WILLSPEED
TECHNOLOGY LLC.,

Defendants.

NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff Peter Lagorio, by and through his undersigned counsel, hereby dismisses this entire action effective upon filing, with prejudice, which dismissal does not require the Court's approval. *See.* Fed. R. Civ. P. 41(a)(1)(A)(i) (stating that a "...plaintiff may dismiss an action without a court order by filing notice of dismissal before the opposing party serves either an answer or a motion for summary judgment."). Defendant has not served or filed an answer or motion for summary judgment in this action.¹

¹ If a plaintiff properly invokes the right to voluntary dismissal pursuant to Rule 41(a)(1), the "district court has no power to condition its dismissal." *Universidad Cent. Del Caribe, Inc. v. Liaison Comm. On Med. Educ.*, 760 F.2d 14, 18 (1st Cir. 1985). In other words, the right of a plaintiff voluntarily to dismiss an action before service of an answer or motion for summary judgment is absolute. *See, Cedar Bay Grilling Co. v. Canadian Fish Exporters Inc.*, No. 19-CV-12264-NMG, 2020 WL 2079445, at *1 (D. Mass. Apr. 30, 2020) citing, *Marques v. Fed. Reserve Bank of Chi.*, 286 F.3d 1014, 1017 (7th Cir. 2002) ("[Plaintiff] doesn't need a good reason, or

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Respectfully submitted,

/s/ Edward L. Manchur

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Counsel for Plaintiff William Lagorio

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 5, 2020.

/s/ Edward L. Manchur

even a sane or any reason, to dismiss a suit voluntarily. The right is absolute, as Rule 41(a)(1) and the cases interpreting it make clear.”).